IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.17459-M of 2007

Date of Decision: 3.4.2007

Harjit Singh

....Petitioner.

Versus

State of Punjab.

...Respondent.

Present:- Mr.Veneet Sharma,Advocate
for the petitioner.

Mr.A.S.Jattana, Addl. AG Punjab.

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S.S.SARON, J.(ORAL)

The present FIR has been registered on the letter received from the Ministry of External Affairs. In terms of the said communication, it has been informed that the petitioner is involved in sending youth of the area to Dubai and other countries on tourist visas after taking a huge amount from them. The petitioner is alleged to have taken Rs.1.5 lacs from one Prem Singh son of Karnail Singh and sent him to Dubai. In one case he has taken Rs. 1.2 lacs from Kuldip Singh son of Karnail Singh for sending him abroad but has not sent him abroad.

Learned counsel for the petitioner submits that the petitioner is alleged to have taken a sum of Rs.1.5 lac from one Prem Singh son of Karnail Singh. However, Karnail Singh father of Prem Singh has settled the matter with the petitioner in terms of agreement dated 16.9.2006 (Annexure P-1). Besides it is submitted that the Panchayat of the village on 11.10.2006 (Annexure P-2) has certified the petitioner to be innocent. It is also submitted that the petitioner is willing to settle the dispute with Kuldip Singh son of Karnail Singh resident of Bhangala P.S.Valtoha, P.O. Taran

Taran District Amritsar, also and is ready to deposit the half of the amount in this Court. Therefore, it is submitted that in the event of arrest the petitioner be admitted to bail.

Learned counsel for the State has opposed the application. It is submitted that the custody of the petitioner is required for the purpose of carrying out effective investigation. It is further submitted that the petitioner on 28.4.2006 sent Prem Singh son of Harjit Singh to Qatar instead of sending him to Jordan. Besides other cases where the petitioner is alleged to have sent persons abroad require to be investigated.

I have given my thoughtful consideration to the contentions of the learned counsel appearing for the parties. The allegations against the petitioner are indeed serious in nature inasmuch as he is alleged to have taken money as a travel agent for sending persons abroad and thereafter defrauded them. The police requires the custody of the petitioner to investigate the other cases where the petitioner has indulged in such like activities. The fact that the petitioner has settled the matter and is also willing to settle the matter with others whom, it is alleged, he de-frauded is hardly of any consequence, after the detection of the crime. The custodial interrogation of the petitioner in the circumstances would be qualitatively more effective and elicitation oriented. Therefore, no ground for pre-arrest bail is made out.

The Criminal miscellaneous is accordingly dismissed.

(S.S.SARON)
JUDGE

April 03,2007
Reema